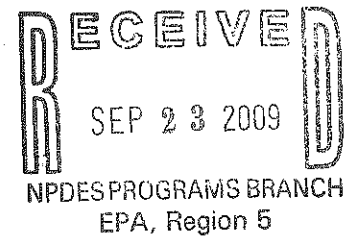




# ONEIDA TRIBE of INDIANS of WISCONSIN

Administrative Offices • Little Bear Development Center  
P.O. Box 365 • Oneida, WI 54155



September 16, 2009

Mr. Brian Bell  
Regional Stormwater Coordinator  
US EPA, Region 05  
77 W. Jackson Blvd.  
(WN-16J)  
Chicago, IL 60604-3507

Dear Mr. Bell,

I am writing in regard to the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program requirements under the Clean Water Act. On May 31, 2007 the Oneida Tribe received a letter from Jo Lynn Traub, EPA Region 5 Water Division Director, requesting the Tribe apply for NPDES MS4 permit coverage for any discharges associated with stormwater infrastructure.

In reply to this request the Oneida Tribe is formally submitting our Notice of Intent (NOI) to apply for permit coverage. This NOI is the final requirement necessary for our application of NPDES MS4 permit coverage.

We are prepared to work with you to assure the Oneida Stormwater Management Program reduces the discharge of pollutants to the maximum extent practicable. If you have any questions, please feel free to call Amy Spears at (920) 496-5357.

Sincerely,

Deborah Thundercloud  
General Manager  
Oneida Tribe of Indians of Wisconsin  
PO Box 365  
Oneida, WI 54155

Enclosure



Oneida Tribe of Indians of Wisconsin  
**Environmental, Health & Safety Division**

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**Notice of Intent to Apply:  
Phase II Small Municipal Separate Storm Sewer System (MS4)  
Individual Permit Coverage**

**Introduction**

On May 23, 2007, the United States Environmental Protection Agency (EPA) sent a letter to the Oneida Tribe of Indians of Wisconsin (Oneida Tribe) Chairman, then Gerald Danforth, providing information to help the Oneida Tribe fulfill its requirement to apply for and obtain a stormwater permit. Operators of small Municipal Separate Storm Sewer Systems (MS4s) are required to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, protect water quality, satisfy the appropriate water quality requirements of the Clean Water Act (CWA), and evaluate the effectiveness of the program. The Oneida Tribe, as an operator of a small MS4, is subject to the requirements under Title 40 of the Code of Federal Regulations (40 CFR), sections §122.33 through § 122.35. This letter, in response to the above stated letter, is to complete the Oneida Tribe's application for MS4 individual permit coverage.

**Applicant Information**

Oneida Tribe of Indians of Wisconsin  
Tribal Chairman Richard G. Hill  
P.O. Box 365  
Oneida, WI 54155

The On^yote a-ka (Oneida Tribe of Wisconsin) is a member of the Iroquois Confederacy, indigenous to central New York state. The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian tribe consisting of 16,371 members, over one- third of whom live on or near the 65,000 acre semi-rural reservation. The Oneida Reservation was established by the Oneida Treaty of 1838 (7 Stat. 566, Feb. 3, 1838).

The Oneida Reservation is located southwest of the City of Green Bay and west of the Fox River. It straddles the boundary of Brown and Outagamie Counties and includes all or portions of the City of Green Bay, Villages of Ashwaubenon, Howard, Hobart and the Towns of Oneida and Pittsfield. The Oneida Tribe and enrolled tribal members own approximately 33% of the total land acreage within the Oneida Reservation. This percentage will increase as the Oneida Tribe implements a policy of reacquiring title to all land within the boundaries of the Reservation set by the 1838 Treaty.



The Oneida Tribe operates as a governmental body which provides services to enhance the quality of life for tribal members as other governments do for their constituents. The revenues generated from tribal enterprises fund community services for Oneida members and non-Oneida community members as well.

Oneida Reservation Details	
Factor/Resource	Value
Reservation Population (total residents) <sup>1</sup>	21,321
Reservation Population (Tribal members) <sup>2</sup>	4,065
Reservation Surface Area (mi <sup>2</sup> ) <sup>3</sup>	102
Total miles of streams (major streams) <sup>3</sup>	76.34
Miles of intermittent streams (all waterways except major streams) <sup>3</sup>	228.5
Acres of Lakes/Ponds <sup>3</sup>	248.75
Total acres of wetlands <sup>3</sup>	6,170.00
<sup>1</sup> 2000 Census Data; <sup>2</sup> Oneida Tribal Enrollment Department (2008 Data); <sup>3</sup> Oneida GLIS	

### Summary of Anticipated MS4 Program Activities

The Phase II Rule defines a small MS4 stormwater management program as a program comprising six elements: Public Education and Outreach, Public Involvement/Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management in New Development and Redevelopment, and Pollution Prevention/Good Housekeeping for Municipal Operations. When implemented in concert, the six minimum control measures are expected to result in significant reductions of pollutants discharged into receiving waterbodies. This requires the development and implementation of best management practices (BMPs) and the achievement of measurable goals to satisfy each of the six minimum control measures. The overall goal of the Oneida Tribal Stormwater Management Program (OSMP) will be to facilitate stormwater drainage and increase sediment and contaminant removal by using low impact development (LID) techniques to reduce and slow stormwater runoff. These techniques will protect the water quality of the watersheds and help maintain the character of the Oneida Reservation, while keeping costs low and requiring minimal maintenance. We intend to achieve this by developing a Stormwater Management Plan, comprised of the six control measures and a related Stormwater Ordinance, which emphasizes the use of low impact design. We have joined Northeast Wisconsin Stormwater Consortium (NEWSC) and will be utilizing the materials and networking this membership entails to aid in the development of our Stormwater Management Plan, Stormwater Ordinance, and program/project development.

### Public Education and Outreach:

The Oneida Tribe will develop and implement a stormwater outreach program within 12 months of permit coverage. The EPA's *Getting in Step: A Guide for Conducting Watershed Outreach Campaigns* will be used as a guide for program development. The outreach program goals are to ensure greater support for the program as the public gains a better understanding of the necessity of stormwater management, and to gain greater compliance as the public becomes aware of their own personal responsibilities to protect and improve the quality of water. The Oneida Tribe will do this by (measurable goals in parenthesis after BMP):

- Providing classroom education to the students of the Oneida Tribal School System (K-12) as well as the Oneida Daycare and Headstart programs. The educational resources available on the EPA website will be used and modified as needed. Culturally significant materials will be developed using Oneida ideas and principles (number of students educated).
- Targeting commercial businesses on the Reservation and providing incentives to encourage them to not just comply with the standards, but go beyond the minimum in order to better protect the environment (number of businesses educated).
- Using and modifying the outreach materials available on the EPA website as well as developing our own (number of pamphlets completed/handed out).
- Educating the general public through articles and advertisements in the Tribal newspaper, mailings of brochures and pamphlets and presence at local Tribal and community events (number of articles published, number of brochures handed out, number of tribal/community members educated, number of events attended).
- Promoting and providing education on low impact development for Tribal members as well as local businesses (number of tribal members/businesses educated).

### **Public Involvement/Participation:**

The Oneida Tribe will develop and implement a public participation and involvement program within 16 months of permit coverage. The EPA's *Getting in Step: Engaging and Involving Stakeholders in Your Watershed* will be used as a guide for program development. The goals of this program are to solicit public opinion and promote public participation in developing the stormwater management plan and ordinance. The Oneida Tribe believes an active and involved community is crucial to the success of the stormwater program. Community involvement is a valuable and free source of intellectual expertise and will aid in producing increased public support, shortening implementation schedules, and providing important cross-connections and relationships with other community and government programs. The Oneida Tribe will do this by:

- Complying with applicable Tribal public notice requirements (public notice timelines met).
- Conducting public meetings to allow Tribal and Community members to discuss various viewpoints and provide input concerning the stormwater management plan, policies and ordinances (number of tribal/community members present at public meetings).
- Promoting community volunteers by implementing stream clean-up, storm drain marking, reforestation, and wetland planting events (number of events, number of volunteers present).
- Collecting feedback of how the public perceives stormwater management and stormwater needs to better assess the appropriate steps to take and misconceptions to dispel regarding stormwater management (number of feedback received).
- Hosting workshops on the benefits of and providing instruction on how to make rain barrels and rain gardens (number of workshops held, number of tribal/community members in attendance).

### **Illicit Discharge Detection and Elimination:**

The Oneida Tribe will develop and implement an illicit discharge detection and elimination (IDDE) program within 20 months of permit coverage. The Center for Watershed Protection (CWP) *Illicit*

*Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* will be used as a guide for program development. The goal of the IDDE Program will be to develop a program that includes not only response measures for illicit discharges, but also education, training and enforcement to prevent potential illicit discharges. The Oneida Tribe will include regulations and specific criteria for IDDE in the stormwater ordinance in order to meet the enforcement requirements of the IDDE program. The Oneida Tribe will develop this program by:

- Conducting an inventory and mapping of all stormwater conveyances, discharges, systems and outfalls on the Oneida Reservation and compiling this into a database (completed map, database up to date).
- Providing education on what an IDDE is, and how to recognize one (number of tribal/community members educated).
- Establishing a hotline for community members to report illicit discharges (hotline up and running).
- Working with the Brownfield Coordinator to prepare and implement a detailed response plan for management and abatement of illicit discharges (response plan complete).
- Collaborating with the Zoning Administrator, Tribal Recycling Coordinator and Community Well and Septic Manager to establish protocols on illegal dumping, trash and debris management, oil recycling, and prevention of septic system failures (SOP written and being used).
- Developing and implementing a stormwater ordinance incorporating regulations and enforcement of IDDE (stormwater ordinance written and adopted).

### **Construction Site Stormwater Runoff Control:**

The Oneida Tribe will develop and implement a construction site stormwater runoff control program within 24 months of permit coverage. The Oneida Tribe currently requires erosion, sediment and other waste control on construction sites. We plan on reviewing and updating our current requirements and implementing procedures for construction site permitting for sites smaller than one acre or those not regulated under the NPDES construction general permit, plan review, site inspection, enforcement and public review/comment consideration. The goal of the construction site stormwater runoff control program will be to educate the builders and contractors on proper erosion and sediment controls, and establish procedures and enforcement techniques for the prevention of erosion and excess runoff. The Oneida Tribe will include regulations and specific criteria for construction site erosion, sediment, waste, and runoff control in the stormwater ordinance in order to meet the enforcement requirements of the program. The Oneida Tribe will develop this program by:

- Providing education to local contractors and builders on the importance of proper BMPs on construction sites to reduce stormwater runoff, pollutants, and erosion (number in attendance at trainings).
- Providing the contractors and builders who attend the training with a reduced rate for the stormwater permit (number of discounts given).
- Developing and implementing a stormwater ordinance incorporating regulations, permit authority, enforcement and sanctions of construction site stormwater runoff control (stormwater ordinance complete and adopted).

- Requiring all construction sites resulting in land disturbance of less than an acre or those not covered under the NPDES construction general permit to apply for a stormwater runoff permit and provide a stormwater pollution prevention plan (swppp) (ordinance adopted and permit/swppp requirements in place).
- Developing procedures and protocols for stormwater pollution prevention plan review (SOP complete and in place for review process).
- Developing procedures for site inspections and enforcement of control measures (SOP complete and in place for site inspections).
- Establishing a forum for Tribal members to submit information, concerns, opinions and to inquire about construction activities on the Reservation (process in place for tribal member concerns, number received).
- Providing contractors and builders with a list of recommended low impact development (LID) BMPs to use on the construction site to provide erosion, sediment and waste control (list of BMP manual complete and handed out, contains preferred LID options, number passed out).

### **Post-Construction Stormwater Management in New Development and Redevelopment:**

The Oneida Tribe will develop and implement a post-construction stormwater management program within 28 months of permit coverage. The Oneida Tribe currently requires onsite stormwater treatment and system maintenance for its leased properties. Also a majority of the tribal buildings and housing sites on the Reservation have LID stormwater systems in place. We plan on reviewing and updating our current requirements and implementing procedures for development of LID stormwater systems in new and redevelopment; and long term maintenance of these systems. The goal of the post-construction stormwater management program will be to educate, internally and externally, those seeking to develop or redevelop land on the Reservation, establish procedures and enforcement techniques for the development and maintenance of LID stormwater systems on new or redeveloped land, and address these goals in the stormwater ordinance in order to meet the enforcement requirements of this program. The Oneida Tribe will develop this program by:

- Providing education on long term LID stormwater systems to those looking to develop or redevelop land on the Reservation. (number of workshops, number of attendees)
- Establishing protocols on maintenance of existing and new stormwater systems on the Reservation. (maintenance agreements, maintenance manual)
- Developing procedures for site inspections and enforcement control measures for existing and new stormwater systems to ensure they remain operable and well maintained. (SOP for inspections, stormwater ordinance adopted)
- Providing developers, internally and externally with a list of recommended LID BMPs to treat the stormwater on site. (BMP manual complete with preferred LID options)
- Developing and implementing a stormwater ordinance addressing post-construction runoff and enforcement strategies for maintaining existing and new stormwater systems.

### **Pollution Prevention/Good Housekeeping for Municipal Operations:**

The Oneida Tribe will develop and implement a pollution prevention/good housekeeping program within 30 months of permit coverage. The Oneida Tribe currently has LID stormwater systems in



place for many of the tribal buildings and housing sites on the Reservation. We plan on mapping and compiling an inventory of the existing systems and establishing a long-term maintenance and inspection schedule for these systems. The goal of the pollution prevention/good housekeeping program will be to educate our maintenance/utility staff on protecting stormwater while performing day to day activities, properly maintain our existing stormwater systems, and implement BMPs to treat and reduce pollutants from municipal activities. The Oneida Tribe will develop and implement standard operating procedures that incorporate stormwater BMPs for municipal activities to meet the requirements of this program. The Oneida Tribe will develop this program by:

- Mapping and compiling an inventory of the existing stormwater systems (Inventory complete, map created, database up to date).
- Establishing a maintenance and inspection schedule for these systems (maintenance manual created and used, maintenance agreements, inspection schedule created and enforced, and tracking system set-up in database).
- Developing a training program for the municipal/utility staff on the effects of stormwater, proper maintenance of stormwater systems, and incorporating proper stormwater BMPs in day to day activities (number of training classes, number of staff trained).
- Compiling a list of stormwater BMPs for reducing pollutants, materials management and proper pollutant disposal for municipal activities through corroboration with the maintenance/utility managers and staff (list of BMPs created, SOP created).
- Establishing standard operating procedures which incorporate these BMPs (SOP created and adopted).
- Collaborating with the Brownfields Coordinator to establish a spill response and prevention program (spill response and prevention program created and established).
- Promoting the continued use of LID stormwater systems for all future Tribal development (number of educational trainings, number of staff trained, SOP created and adopted).

### **Low Impact Development:**

The Oneida Tribe, in past practice, has approached land development in such a way to preserve and recreate natural landscape features. The many benefits of this practice include retaining our rural character, lower cost and maintenance of stormwater systems, and an environment that is continually improving in promoting the natural movement of water within the watersheds. The Tribe plans on continuing this practice while also actively promoting LID in all six of the minimum control measures of the Oneida Tribal Stormwater Management Plan (OSMP).

For any questions concerning the Oneida Tribes permit coverage please contact:

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